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C O N F I D E N T I A L SECTION 01 OF 02 TRIPOLI 000078

SIPDIS

STATE FOR NEA/MAG. COMMERCE FOR NATE MASON.

E.O. 12958: DECL: 1/27/2020
TAGS: PGOV, PREL, PHUM, EAID, ECON, CVIS, PINR, LY
SUBJECT: SENIOR LIBYAN JUSTICE OFFICIAL: LESS TALK, MORE ACTION IS
BEST

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CLASSIFIED BY: Gene A. Cretz, Ambassador, U.S. Embassy Tripoli,
Department of State.

REASON: 1.4 (b), (d)

1. (C) Summary: Libya's Justice Minister-equivalent, Mustafa Mohammad Abduljalil, told the Ambassador on January 25 that as Libya opens its economy to other countries, it needs international assistance in developing its private sector and strengthening the commercial legal environment. The Ambassador thanked Abduljalil for his support of the USG-funded Commercial Law Development Program's (CLDP) work in Libya, including securing visas for the recent second visit to Libya of a U.S. federal judge and the CLDP program manager. Abduljalil said an upcoming February trip to the U.S. of three Libyan judges (at the invitation of CLDP) would provide the Libyans with new ideas and generate proposals for future cooperation. Abduljalil said

Libya's reform of its Criminal Code had moved to the General People's Congress (Libya's parliament-equivalent) for discussion. While Abduljalil has given the green light to his staff to work with us, he noted that many Libyans are still "concerned" about the USG's support for Israel, and that terrorism stems from the perception that Europe and the U.S. are "against" Muslims. End Summary.

POSITIVE COOPERATION IN COMMERCIAL LAW PROGRAMS

2. (C) On January 25, the Ambassador (accompanied by econoff) met for the first time with Mustafa Mohammad Abduljalil, Secretary of the General People's Committee for Justice (Minister of Justice-equivalent). The Ambassador stressed the importance of a sound commercial legal environment to Libya's economic development. He noted that CLDP is an example of the type of bilateral program that can improve the legal environment, and thanked the Secretary for his help in obtaining Libyan visas for the U.S. participants of recent CLDP workshops.

Abduljalil expressed his own support for the CLDP programs and bilateral cooperation in general, stating that "less talk and more action is best" when it comes to moving the relationship forward.

3. (C) The Ambassador previewed for Abduljalil the upcoming CLDP-sponsored trip to New York and Washington of three Libyan judicial officials. Abduljalil said that as Libya was now opening up its economy and developing a private sector, it needed to strengthen its commercial laws, and that such trips to the U.S. would provide the Libyans with new ideas. This was "essential" as, after many years of sanctions and international isolation, the Libyans know very little about the U.S. system of government. He said they were also interested in discussing a system for prisoner exchange to provide for the repatriation of Libyans imprisoned in the U.S. and for U.S. citizens in Libyan prisons. (Note: We are not aware of any Americans currently in Libyan prisons. End note.) He said Libya had negotiated such agreements with other countries and hoped to do the same with the U.S. He would ask the three officials to write a report after their upcoming trip, including proposals for other areas of cooperation.

STATUS OF LIBYA'S CRIMINAL LAW REFORM PROJECT

4. (C) Abduljalil said the GOL has been working on reforming Libya's Criminal Code for 4-5 years and that the revised legislation is currently being discussed in the General People's Congress. He noted that Libya is trying to incorporate alternatives to prison sentences for some crimes, including a system for imposing fines instead of jail-time, as well as community service. Ideally, the death penalty would be a sentence reserved only in cases of murder, he explained. Regarding other penalties, such as charges brought against those who speak against the government, Abduljalil maintained that Libyans could "say anything they wanted" in the forum of the General People's Congress. He insisted that journalists were free to write anything they chose, provided they did not make

personal accusations against anyone (i.e., slander).

FROM CRIMINALS TO ISRAEL: JUDGE ACCUSES U.S., EUROPE OF BEING AGAINST ISLAM

5. (C) In the course of the discussion of the Criminal Code, Abduljalil abruptly changed the subject from freedom of speech to the "Libyan people's concern about the U.S. government's support for Israel." He averred that Libya cares deeply about Muslims everywhere, and about Muslim countries. In his view, the root cause of terrorism stems from the perception that Europe and the U.S. are against Muslims. He believed that "justice is for everyone," and that if Libya does not uphold that tenet, then terrorists will find a foothold in Libya. The Ambassador replied that the U.S. is committed to a positive

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relationship with the Muslim world, referencing the President's 2009 speech in Cairo. He said it is important to continue the discussion of sensitive topics in order to develop a mature relationship between our two countries. Through the Human Rights Dialogue (HRD), the U.S. hopes to continue the discussion with Libya on such topics in a discreet, mutually respectful manner, which Abduljalil appeared to appreciate. The Ambassador gave Abduljalil a copy of the diplomatic note proposing the HRD working groups and invited his input.

BIO NOTE AND COMMENT

6. (C) Abduljalil was named Secretary of the General People's Committee for Justice in January 2007. He does not speak English, and spoke only Arabic in our meeting. According to a recent report by Human Rights Watch (HRW), he has expressed reformist ideas about eliminating corruption within the GOL and bringing security organizations in line with the rule of law. In HRW's assessment, Abduljalil's drive to change the system is driven more by his conservative point of view rather than a reformist agenda. According to his staff and several judges, he is well-regarded and considered to be fair. The Ambassador's initial meeting with Abduljalil was positive and encouraging. Through his staff, including Director of International Cooperation Kamal al-Bahri, Abduljalil has demonstrated an interest in working with us on the Commercial Law Development Program over the past year and a willingness to allow his staff to communicate with emboffs outside of official channels. This was evidenced by his securing visa approvals for visiting CLDP officials. (Note: His organization seems to have a parallel track in securing visa approvals, bypassing Protocol and the MFA, as the Embassy received the approval numbers for the CLDP visitors directly from the GPC for Justice and not through the MFA as usual; in fact, the visas for the two CLDP visitors are among the very few USG visas we have received in the past few months. End note.) The next step will be to continue the discussion of how we can work with the GPC for Justice in other, more sensitive areas, such as the Human Rights Dialogue. We

also committed to providing the Minister with U.S. laws and explanations showing how we handled the issues of free association and free speech balanced against the security needs of the nation. End comment.

CRETZ

=====CABLE ENDS=====